

## HOUSE BILL NO. 262

INTRODUCED BY LANGE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR MULTIPLE MUNICIPAL COURT SESSIONS AND DEPARTMENTS AND FOR A CHIEF MUNICIPAL COURT JUDGE WHEN THERE IS MORE THAN ONE JUDGE; PROVIDING FOR THE DUTIES OF A CHIEF MUNICIPAL COURT JUDGE; PROVIDING FOR A PART-TIME ASSISTANT JUDGE FOR EACH MUNICIPAL COURT JUDGE; REVISING THE QUALIFICATIONS OF A REPLACEMENT FOR A DISQUALIFIED OR SICK JUDGE; AND AMENDING SECTIONS 3-6-106, 3-6-201, AND 3-6-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 3-6-106, MCA, is amended to read:

**"3-6-106. Sessions of the court -- departments.** (1) The municipal court shall must be in continuous session from 9 a.m. to noon and from 1 p.m. to 4 p.m. on every day except nonjudicial days. The judge may designate additional hours as he, in his discretion, sees fit the judge believes necessary. If there is more than one judge, each judge may hold a session of the court and may designate additional hours as the judge believes necessary.

(2) If there is more than one judge, the chief municipal court judge shall divide the court into departments, make rules for the government of the court, and describe the order of the court's business. Each department must be numbered, and a judge must be assigned to each department."

**Section 2.** Section 3-6-201, MCA, is amended to read:

**"3-6-201. Number of judges -- election -- term of office -- chief judge -- duties of chief judge -- assistant judge.** (1) The governing body of a city shall determine by ordinance the number of judges required to operate the municipal court.

(2) A municipal court judge who is not a part-time assistant judge appointed under subsection (6) must be elected at the general election, as provided in 13-1-104(2). The judge's term commences on the first Monday in January following the election. The judge shall hold office for the term of 4 years and until ~~his~~ a successor is elected and qualified.

(3) Except as provided in subsection (2), all elections of municipal court judges are governed by the laws applicable to the election of district court judges.

(4) If there is more than one municipal court judge, the judges shall adopt a procedure by which they either select a chief municipal court judge at the beginning of each calendar year or by which the position of chief municipal court judge rotates among the judges in order of seniority at the beginning of each calendar year, with the most senior judge serving during the first year of the rotation.

(5) The chief municipal court judge shall provide for the efficient management of the court, in cooperation with the other judge or judges, if any, and shall:

(a) maintain a central docket of the court's cases;

(b) provide for the distribution of cases from the central docket among the judges, if there is more than one judge, in order to equalize the work of the judges;

(c) request the jurors needed for cases set for jury trial;

(d) if there is more than one judge, temporarily reassign or substitute judges among the departments as necessary to carry out the business of the court; and

(e) supervise and control the court's personnel and the administration of the court.

(6) A municipal court judge may, with the approval of the governing body of the city, appoint a part-time assistant judge, WHO MUST HAVE THE SAME QUALIFICATIONS AS A JUDGE PRO TEMPORE UNDER 3-6-204, to serve during the municipal court judge's term of office. An order by a part-time assistant judge has the same force and effect as an order of a municipal court judge."

**Section 3.** Section 3-6-204, MCA, is amended to read:

**"3-6-204. Disqualification -- judge pro tempore.** When a judge of a municipal court has been disqualified or is sick or unable to act, the judge shall call in a ~~justice of the peace for a justice's court established as a court of record provided for in 3-10-101, another municipal court judge, a retired justice of the peace for a justice's court established as a court of record, a retired municipal court judge sitting or retired judge of a court of record, or an attorney of the county in which the court is located~~ who has been a member of the state bar of Montana for 5 or more years, to act as a judge pro tempore. The judge pro tempore has the same power and authority as the municipal court judge."

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